

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEANNE M. KING,

Plaintiff,

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COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. 2:21-cv-00449-JRC

ORDER ON UNOPPOSED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and Local

Magistrate Judge Rule MJR 13. *See* Consent to Proceed Before a United States Magistrate Judge,

Dkt. 3. This matter is before the Court on plaintiff's unopposed motion for attorney fees under

the Equal Access to Justice Act, 28 U.S.C. § 2412 (“EAJA”). See Dkts. 29, 32.

¹⁰ the Equal Access to Justice Act, 28 U.S.C. § 2412 (“EAJA”). See Dkts. 29, 32.

Based on the EAJA, that defendant has no opposition, the attorney declaration and time and expense itemizations (Dkt. 29-1), and the relevant record, it is hereby ORDERED that EAJA attorney's fees of \$5,569.02 shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v. Railiff*, 560 U.S. 586, 588-89 (2010).

1 The Commissioner shall contact the Department of Treasury after the Order for EAJA
2 fees is entered to determine if the EAJA fees are subject to any offset. If it is determined that
3 plaintiff's EAJA fees are not subject to any offset allowed pursuant to the Department of the
4 Treasury's Offset Program, then the check for EAJA fees shall be made payable to D. James
5 Tree, based on plaintiff's assignment of these amounts to plaintiff's attorney. *See* Dkt. 31. If
6 there is an offset, the remainder shall be made payable to plaintiff, based on the practice of the
7 Department of the Treasury. *See, e.g.*, Case No. 2:15-cv-122, Dkt. 22, at 4. Any check for EAJA
8 fees shall be mailed to plaintiff's counsel, D. James Tree, at 3711 Englewood Avenue, Yakima,
9 WA 98902.

10 Dated this 4th day of April, 2022.

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14 J. Richard Creatura
15 Chief United States Magistrate Judge
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